

**§ 1504. Interconnection with telephone facilities**

Each radio common carrier holding a certificate from the commission may interconnect its common carrier radio telephone facilities with the telephone facilities of the telephone company serving the area in which the base station of the radio common carrier is located, provided an agreement can be reached between the radio common carrier and the serving telephone company providing for such interconnection; provided further, that when an agreement cannot be reached between the radio common carrier and the serving telephone company, the radio common carrier may petition the commission for the right of interconnection and if the commission finds that a necessity exists therefor, such interconnection shall be ordered by the commission on such reasonable terms as shall be set by the commission.

Added by Acts 1968, No. 634, § 1.

*Acts 1968, No. 634, § 1, purports to add sections 1500 through 1504 of Title 45, but in fact contains no provisions designated as section 1504. Under the authority of R.S. 24:253 the provisions appearing as the last paragraph of section 1503 have been redesignated as R.S. 45:1504.*

INDEX TO  
TITLE 45—PUBLIC UTILITIES  
AND CARRIERS

See end of Volume





## Louisiana Public Service Commission

POST OFFICE BOX 91154  
BATON ROUGE, LOUISIANA 70821-9154

Telephone: (504) 342-9888

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District I  
Thomas Powell, *Member*  
District IV  
Don L. Owen, *Member*  
District V  
Irma Muse Dixon, *Member*  
District III

MARSHALL B. BRINKLEY  
*Secretary*

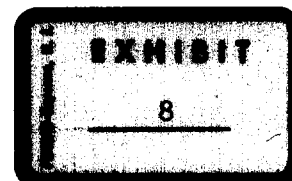
ROY F. EDWARDS  
*Assistant to the  
Secretary*

I, Brian A. Eddington, Assistant Secretary of the Louisiana Public Service Commission, do hereby certify that the hereto attached is a true and correct copy of the document(s) described following:

Louisiana Public Service Commission's Policy Statement adopted by the Commission at the April 13, 1994 Open Session held in Baton Rouge, Louisiana.

TESTIMONY WHEREOF, I have hereunto officially signed my name and affixed the seal of the Louisiana Public Service Commission at Baton Rouge, Louisiana, this 5 day of August, 1994.

  
ASSISTANT SECRETARY



U 2022

## POLICY STATEMENT

The Louisiana Public Service Commission (the "Commission") was created for the purpose of exercising regulatory police power over all common carriers and public utilities and compelling the performance of their public duties for the benefit of the state and its citizens. To fulfill such purpose, the Commission, by constitutional mandate, has the exclusive and plenary power to regulate common carriers and public utilities. 1974 Louisiana Constitution, Article IV § 21(B). The Commission's power in this regard is as complete in every respect as the regulatory power that would have been vested in the legislature in the absence of Article IV § 21(B). Bowie v. Louisiana Public Service Commission, 627 So. 2d 164 (La. 1993).

The Commission's jurisdiction over and power to regulate entities that provide telephone service to Louisiana citizens has long been recognized. Since the 1984 divestiture of AT&T, intraLATA telephone service in Louisiana has been provided primarily by South Central Bell ("Bell") and certain independent telephone companies under the jurisdiction and regulatory authority of the Commission. More recently, the Commission has authorized intraLATA competition. Order No. U-17949-N (Subdocket B), October 18, 1991. The Commission also exercises regulatory authority over resellers, COCOTS, and operator service providers.

For a variety of reasons, including technological advances, changes in the marketplace, and increasing competition, it is likely that new and/or existing entities may desire to provide alternative local, intrastate, and/or intraexchange telephone services to Louisiana ratepayers. These entities include, but are not limited to, alternative or competitive access providers. Some states are already experiencing the effect of the entry of such entities in the marketplace.

Based on its constitutional and other statutory authority and its responsibility to protect Louisiana ratepayers, and in response to these developments in the telecommunications market, the Commission, for the reasons set forth below, hereby asserts and confirms its exclusive and plenary power to regulate all such new and/or existing entities that desire to provide alternative local, intrastate, and/or intraexchange telephone service(s) in Louisiana. The reasons compelling the Commission to confirm its jurisdictional and regulatory authority over such entities include the following:

- (a) One of the primary objectives of the Commission is to make certain that basic local telephone service remains available and affordable to all Louisiana

ratepayers. To accomplish this objective, the Commission believes that the subsidy mechanism currently provided to basic local telephone service must remain in place at this time. The Commission is concerned that the subsidy mechanism may be jeopardized if alternative or competitive services are provided without first considering the impact of such alternative or competitive service on the existing subsidy mechanism, how to protect the subsidy mechanism, and whether the entities desiring to provide alternative or competitive service should be required to participate in assisting the Commission in achieving its objective;

- (b) Bell is currently operating under an incentive plan that is scheduled to expire on February 1, 1995. The Commission's decision on how Bell should be regulated after the expiration date is affected by the possibility that new entities may soon be offering alternative telephone and access service in Louisiana; and
- (c) The Governor's Task Force is currently evaluating the state of the network and universal service objectives. Certain members of the Commission and its Staff are participating in the Task Force. The work of the Task Force will be influenced by the Commission's determination of how these new entities should be regulated.

In addition, the Commission, in furtherance of this Policy Statement, hereby announces its intent to develop rules and regulations applicable to such entities, and the authorization of a generic docket and issuance of Notice of Proposed Rulemaking for the development of such rules and regulations.





# Louisiana Public Service Commission

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Thomas Powell, *Member*  
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District V

Telephone:

(504) 342-4416

MARSHALL B. BRINKLEY  
*Secretary*

ROY F. EDWARDS  
*Assistant to the Secretary*

February 3, 1993

Mr. Donn A. Winslow  
Turn-Key Telecommunications International  
3100 Airway Drive, Suite 130  
Costa Mesa, CA 92626

Dear Mr. Winslow:

This is to acknowledge your letter dated January 20, 1993, requesting information relevant to operating as a retail cellular telecommunications company in Louisiana.

Any company wishing to operate within the State of Louisiana as a provider of cellular services should make their request for authority to operate with the Louisiana Public Service Commission. The request should be made in writing and should be addressed directly to Mr. Marshall B. Brinkley, Secretary of the Commission. Requests for authority should take the form of a transmittal letter and petition supported by the following requirements outlined below:

- A. Legal name of the applicant and the name under which the applicant will do business;
- B. Address and phone number of applicant;
- C. Structure of the applicant, copy of the organizational documents, authorization to do business in Louisiana and schematic of affiliated entities. For example, the applicant is ABC Inc., a wholly owned subsidiary of XYZ Inc. ABC will state it is a Delaware corporation and will attach a copy of its Articles of Incorporation and permission to do business in Louisiana. As ABC is a wholly owned subsidiary of XYZ Inc., the completed application will have attached a diagram detailing this relationship;
- D. Telephone number and title of the individual who is to serve as liaison with the Commission in regard to the application and the on-going operation of the Company;

EXHIBIT

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- E. File and maintain a detailed intrastate tariff to include terms of service and current rates the applicant will charge and provide to its customer; (see attached for tariff format)
- F. A statement by the applicant indicating the cellular area of service awarded by the FCC;
- G. Show technical capability and experience applicant possesses to support the services to be offered;
- H. File an annual report with this Commission. The contents of this report will be established by the telecommunications staff of the Commission. At the present time, the Commission has no prescribed annual report format or form to be completed by carriers/resellers operating in the State. Stockholder annual reports or similar reports will be accepted until such time as the Commission adopts a specific annual report format;
- I. Give a verification that the applicant will comply with and abide by Commission guidelines and requirements contained herein or otherwise adopted in the future.

Each request should be submitted in quadruplicate in the form and format prescribed above. A copy of the filing will be returned to the Company acknowledging receipt if requested. Upon receipt of the filing, the Commission will review the application and notify the Company of its acceptance or rejection of the application.

Should you need additional information please contact our office.

Yours truly,



Edward L. Gallegos  
Chief Engineer

ELG:dmg  
attachments





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Secretary*

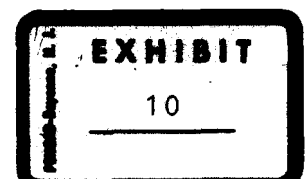
July 21, 1994

Dear :

This is to acknowledge your request for information relevant to operating as a reseller of cellular services within the State of Louisiana.

Any company wishing to operate within the State of Louisiana as a provider of cellular services should make their request for authority to operate with the Louisiana Public Service Commission. The request should be made in writing and should be addressed directly to Mr. Marshall B. Brinkley, Secretary of the Commission. Requests for authority should take the form of a transmittal letter and petition supported by the following requirements outlined below:

- A. Legal name of the applicant and the name under which the applicant will do business;
- B. Address and phone number of applicant;
- C. Structure of the applicant, copy of the organizational documents, authorization to do business in Louisiana and schematic of affiliated entities. For example, the applicant is ABC Inc., a wholly owned subsidiary of XYZ Inc. ABC will state it is a Delaware corporation and will attach a copy of its Articles of Incorporation and permission to do business in Louisiana. As ABC is a wholly owned subsidiary of XYZ Inc., the completed application will have attached a diagram detailing this relationship;
- D. Telephone number and title of the individual who is to serve as liaison with the Commission in regard to:
  1. the application and,
  2. the on-going operation of the Company;



- E. File and maintain a detailed intrastate tariff to include terms of service and current rates the applicant will charge and provide to its customer; (see attached for tariff format)
- F. A statement by the applicant indicating the cellular area of service awarded by the FCC;
- G. Show technical capability and experience applicant possesses to support the services to be offered;
- H. File an annual report with this Commission. The contents of this report will be established by the telecommunications staff of the Commission. At the present time, the Commission has no prescribed annual report format or form to be completed by resellers operating in the State. Stockholder annual reports or similar reports will be accepted until such time as the Commission adopts a specific annual report format;
- I. Give a verification that the applicant will comply with and abide by Commission guidelines and requirements contained herein or otherwise adopted in the future.

Each request should be submitted in quadruplicate in the form and format prescribed above. A copy of the filing will be returned to the Company acknowledging receipt if requested. Upon receipt of the filing, the Commission will review the application and notify the Company of its acceptance or rejection of the application.

Should you need additional information please contact our office.

Yours truly,

Brian Eddington  
Assistant to the Secretary

BE/dmg

Attachments



AFFIDAVIT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

Before me, the undersigned notary, came and appeared Carolyn DeVitis, Senior Staff Attorney of the Louisiana Public Service Commission, who after being sworn did state and affirm that:

1. She has surveyed members of the Utility Staff at the Main Baton Rouge Office of the Louisiana Public Service Commission and members of the five district offices of the Commission who receive and respond to complaints regarding cellular, paging, and radio common carriers. The following statement is based on the information received from the central office and district staffs.
2. The Commission central staff receives on an average five complaints a week or two hundred sixty complaints per year having to do with cellular, paging, and radio common carriers. Major categories of complaints include high prices, inability to switch companies, lack of itemized billing, unsatisfactory quality of service, discrimination in rates, expensive roaming rates, lack of notice or understanding of the amount of roaming necessary for service coverage, dissatisfaction with contract terms, high cancellation fees, service problems in fringe areas, inability to get service, hidden charges, and competitors not charging the correct rate.
3. District Offices reported receiving approximately sixty complaints last year. Some of the most frequent complaints were low quality of service, contract interpretation problems, territorial disputes, roaming charges, discrimination in the amount charged, lack of itemized bill, dislike of automatic contract renewal, high prices, number of dialing digits varying between companies, and lack of information provided regarding true price of service.

  
WITNESS

  
CAROLYN DEVITIS

  
WITNESS

  
NOTARY

This 5<sup>th</sup> day of August, 1994

EXHIBIT

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FEDERAL COMMUNICATIONS COMMISSION  
Common Carrier Bureau  
Enforcement Division  
Informal Complaints and Public Inquiries Branch  
Suite 6202  
Washington, D.C. 20554  
202-632-7553

In Reply Refer To:  
63203  
IC-92-08150

12 AUG 1992

RECEIVED

AUG 17 1992

LOUISIANA PUBLIC SERVICE  
COMMISSION

Louisiana Public Service Commission  
One American Place, Suite 1630  
Baton Rouge, Louisiana 70825

Under the Communications Act, the jurisdiction of the FCC is limited generally to interstate and foreign telecommunications service matters. The issues raised in the enclosed complaints from consumers appear to be within your agency's jurisdiction. By copy of this letter, we are notifying the consumers that their correspondence is being referred to your agency for appropriate action and that they should contact your agency if they have questions or concerns about their complaints.

Sincerely,

*Marsha A. Bell*

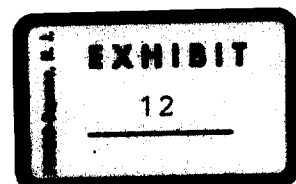
Marsha A. Bell  
Program Analysis Assistant  
Informal Complaints and Public  
Inquiries Branch  
Enforcement Division  
Common Carrier Bureau

Enclosure  
(Copy of letter to Consumer(s))  
Copy of complaint(s) to above-listed agency)

RECEIVED

AUG 24 1992

LA PUBLIC SERVICE COMMISSION





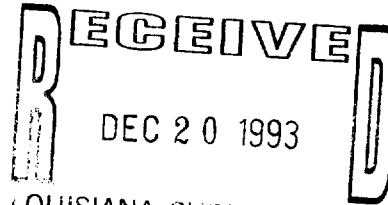
*Amold*  
*Car Copy sent to D. H. 12/22/93*

FEDERAL COMMUNICATIONS COMMISSION  
Enforcement Division  
Common Carrier Bureau  
Informal Complaints and Public Inquiries Branch  
Stop Code 1600A2  
Washington, D.C. 20554  
202-632-7553

DEC 09 1993

In Reply Refer To:  
IC-93-05082

Mr. Clifford P. Wood  
Owner  
Wood's A/C & Heating  
331 Dodge Avenue  
Jefferson, LA 70121



Dear Mr. Wood:

This is in response to your correspondence concerning intrastate rates for cellular telephone service.

The FCC is concerned about the transmission quality and certain other technical aspects of cellular telephone service. The rates, charges and practices of intrastate cellular telephone service providers generally are within the jurisdiction of the state regulatory commissions. However, the Informal Complaints and Public Inquiries Branch has been informed that some states have elected not to regulate the rates for intrastate cellular telephone service.

We are forwarding your letter to the state regulatory commission shown below for its review and appropriate response. If your state has elected not to regulate the rates for intrastate cellular telephone service, you may wish to contact the Better Business Bureau or consumer protection offices for assistance in resolving your complaint. You also may wish to obtain the advice of legal counsel.

Thank you for your inquiry.

Sincerely,

*Maeola V. Black*  
Maeola V. Black  
Carrier Analyst  
Informal Complaints and Public  
Inquiries Branch  
Enforcement Division  
Common Carrier Bureau

cc: Louisiana Public Service Commission ✓  
One American Place, Suite 1630  
Baton Rouge, Louisiana 70825  
(copy of incoming)

EXHIBIT

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*C. W. Lynn*

FEDERAL COMMUNICATIONS COMMISSION  
Enforcement Division  
Common Carrier Bureau  
Informal Complaints and Public Inquiries Branch  
Stop Code 1600A2  
Washington, D.C. 20554  
202-632-7553

RECEIVED  
JUL 12 1994  
LOUISIANA PUBLIC SERVICE  
COMMISSION

JUN 30 1994

In Reply Refer To:  
IC-94-08872

Dear Correspondent:

This is in response to your correspondence concerning intrastate rates for cellular telephone service.

The FCC is concerned about the transmission quality and certain other technical aspects of cellular telephone service. The rates, charges and practices of intrastate cellular telephone service providers generally are within the jurisdiction of the state regulatory commissions. However, the Informal Complaints and Public Inquiries Branch has been informed that some states have elected not to regulate the rates for intrastate cellular telephone service.

We are forwarding your letter to the state regulatory commission shown below for its review and appropriate response. If your state has elected not to regulate the rates for intrastate cellular telephone service, you may wish to contact the Better Business Bureau or consumer protection offices for assistance in resolving your complaint. You also may wish to obtain the advice of legal counsel.

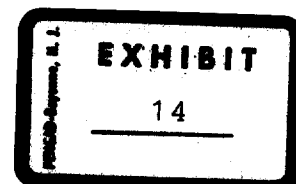
Thank you for your inquiry.

Sincerely,

*Delores C. Browder*

Delores C. Browder  
Program Analysis Assistant  
Informal Complaints and Public  
Inquiries Branch  
Enforcement Division  
Common Carrier Bureau

cc: Louisiana Public Service Commission ✓  
One American Place, Suite 1630  
Baton Rouge, Louisiana 70825  
(with a copy of the incoming letter)





December 2, 1992

Bell South Mobility  
2222 Clearview Parkway  
Metairie, Louisiana 70001-2437

Hello:

On my Bell South Mobility bill dated 11/21/92 is a charge on line 7 entitled "Daily Roamer Charge" for \$3.09 and line 8 is a charge for air time of one minute in the amount of \$.77. All of this is under a heading indicating that I "roamed" Destrehan, Louisiana. This was on a drive from Metairie to Baton Rouge.

This is piracy on the part of that cellular company that I would have to pay an access charge and air-time charge amounting to \$3.86 for the one minute I used their equipment.

I am at a loss as to how to protect myself from this outrageous larceny short of not using my cellular phone anywhere near St. Charles Parish. I do not intend to use the phone in the Kenner Area at all in the future.

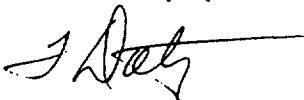
I have discussed this problem with the Public Service commission and the F.C.C. and they have told me that they do not set rates. But, I am, by copy of this to the Public Service Commissioner, John Schwegmann, asking him to look into this matter further.

Furthermore, I am requesting that you advise me is there is some way I can lock my phone to prevent it from accessing the equipment of this conciousless phone company. If 70,000 subscribers did what I did for just one day last month, that's a cool \$210,000 they may have made.

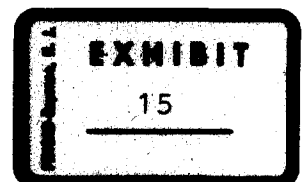
The F.C.C. advised me that apparently many small carriers love to get cells located near major highways for the purpose of charging people driving from city to city. Mine was not the first complaint. Therefore, I am also requesting, by copy of this letter that the Attorney General for the State of Louisiana also look into this mattter of overcharging cellular phone subscribers.

Please understand that this is not a complaint to you, but a plea for your help.

Sincerely yours,



Thomas G. Doty, Jr.



copies: Attorney-General, State of Louisiana; Public Service Comm.

*Sent to Eddy  
in B.R. for  
response  
12/8/92*



WILLIAM SONNIER, JR., M.D.  
1458 South College Road  
Lafayette, LA 70503  
(318) 234-7301  
OPHTHALMOLOGY

RECEIVED

MAY 16 4 28 PM '94

ENCLOSURE

7 May 94

94008872

Common Carrier Bureau  
FCC  
1919 M Street NW  
Washington, DC 20554

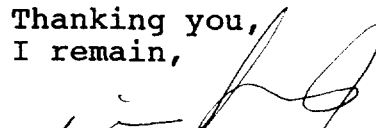
Dear Friends:

I am writing this letter to protest the way that cellular phone companies are allowed to operate.

They all have almost exactly the same prices, so they cannot be said to be competing, but must be cooperating to set these near identical prices.

Also, the manner in which they tie the sales of phones to service is illogical. The companies should furnish service and let others sell the phones competitively without restraint as is done with the regular telephone companies. What they offer is "bait and switch."

Thanking you,  
I remain,

  
William Sonnier, Jr.  
1et.589

EXHIBIT

16



LPSC REPORT FORM

COMPANY: Radio Phone  
Larry Harvey  
 REFERENCE: 831-8330

NAME: Bob Hodges  
 ADDRESS: 3601 15th Street  
Met. Ter.

PARISH: \_\_\_\_\_

PHONE: (H) \_\_\_\_\_ (O) \_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

DATE: 3/31 TIME: 10:50

TAKEN BY: \_\_\_\_\_

CONTACT: 831-9484

REMARKS: Has celler phone service with Radio Phone  
want to switch to Bell South Mobility. Contract  
he signed gave him one yr obligation. \$200 to cancel  
within a year. they automatically renewed w/o his  
signature. He's had for 2 1/2 yrs they want to charge  
\$200 to cancel.

I informed Mr. Larry Harvey of above  
complaint.

EXHIBIT

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